IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8839 of 2005

Between:

M/s. Vinayaka Modern Rice Mill, Rep. by its Managing Partner,
Eadala Rudrayya Chowdary, S/o. Balu Rao, Aged 26 Years, G./ Medapadu Village, Samalkot Mandal, East Godavari District.

..... PETITIONER

AND

1 The Managing Director, Andhra Pradesh Eastern Power Distribution Company Ltd., Ganjipet, Visakhapatnam.
2 The Divisional Engineer (Operations), APEPDCL, Kakinada, East Godavari District.
3 The Assistant Divisional Engineer, Lines Sub-Division, APEPDCL, Samalkot, East Godavary District.
4 The Assistant Accounts officer (ERO), APEPDCL, Samalkot Vill. & Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in issuing the notice under Lr.NO.ADE/L/SLO/ASOF/DOC/D.No.271/05 dated 18-02-2005 demanding M/s Vinayaka Modern Rice Mill to shift over from LT-III-A, Category to HT Category-I as illegal, arbitrary, unjust, and against the principles of natural justice and consequently direct the respondents not to shift the service connection of the petitioner rice mill from LT Category-III-A to HT Category-I and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.K.KISHORE REDDY

Counsel for the Respondent No.: MR.M.SREERAMULU REDDY

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Consequent upon the inspection of the service connection of the petitioner, it was noticed that the petitioner exceeded the contracted load of 52.68 HP by connecting an excess load of 25.72 HP to the total load of 78.4 HP, as the recorded MD is 65.1 KVA, the respondents had issued the impugned proceedings dated 18.2.2005, asking the petitioner to switch over to H.T. Category-I within one month from the date of receipt of that notice.

Learned counsel for the petitioner submitted that the petitioner had not exceeded the limit as stated by the respondents. Moreover, there is no whisper with regard to the connection of excess load in the bill and therefore, the petitioner cannot be penalized.

Having regard to the facts and circumstances of the case, since it is only a request to switchover to H.T. Category-I within one month, the petitioner is entitled to approach the authorities to explain how he has not exceeded the connected load.

Therefore, I deem it appropriate to dispose of the writ petition at the admission stage giving liberty to the petitioner to approach the authorities and submit his explanation seeking redressal, within four weeks from the date of receipt of a copy of this order and upon such explanation being submitted by the petitioner, the respondents shall consider the case of the petitioner within four weeks thereafter, in accordance with law. Till such time, there shall not be any disconnection of power supply to the petitioner unit. No order as to costs.

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kvsn 20-04-2005

To

1 The Managing Director, Andhra Pradesh Eastern Power Distribution Company Ltd., Ganjipet, Visakhapatnam.

2 The Divisional Engineer (Operations), APEPDCL, Kakinada, East Godavari

District.

3 The Assistant Divisional Engineer, Lines Sub-Division, APEPDCL, Samalkot, East Godavary District.

4 The Assistant Accounts officer (ERO), APEPDCL, Samalkot Vill. & Mandal, East Godavari District.

5 Two CD copies.